

October 21, 2010

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

RE: Notice of *Ex Parte* presentation in: WT Docket No. 08-7

Dear Ms. Dortch:

On behalf of Public Knowledge, this letter is to provide information relating to discussions between Public Knowledge (PK) and members of the Commission's staff on October 21, 2010.

Present at the meeting were: Harold Feld, PK and Michael Weinberg, PK; Austin Schlick, Office of the General Counsel, FCC; Julie Veach, Office of the General Counsel, FCC; David Horowitz, Office of the General Counsel, FCC, and Nese Guendelsberger, Wireless Bureau, FCC.

PK stressed the importance of the Commission moving forward on PK's pending text message petition in this docket. Demands made on the current short code text messaging system simply outpace its capacity and exceed its ability. As the use of short codes and text messaging increases, problems like those experienced by NARAL, Catholic Relief Services, and WeedMaps.com will continue to occur unless the Commission clarifies responsibility.

Furthermore, inaction on the part of the Commission could result in the Commission losing control of the process. In the recent case of EZ Texting and WeedMaps.com, a federal judge was a courthouse-steps settlement away from being presented with the very questions that the Commission has failed to answer in the past three years.

The short code industry is looking to the Commission for leadership and relief on this issue. It is important for the Commission to demonstrate interest and engagement, as well as offer protection, to convince the industry to come forward and freely discuss its concerns.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced docket today.

Sincerely,

/s/

Michael Weinberg  
Staff Attorney  
Public Knowledge

CC: Austin Schlick  
Julie Veach  
David Horowitz  
Nese Guendelsberger